

AMENDED IN ASSEMBLY AUGUST 15, 2005

AMENDED IN ASSEMBLY JULY 5, 2005

AMENDED IN ASSEMBLY JUNE 21, 2005

AMENDED IN SENATE APRIL 20, 2005

SENATE BILL

No. 861

Introduced by Senator Speier
(Coauthor: Senator Torlakson)
(Coauthor: Assembly Member Evans)

February 22, 2005

An act to amend Section 31683 of the Food and Agricultural Code, and to add Chapter 7 (commencing with Section 122330) to Part 6 of Division 105 of the Health and Safety Code, relating to dogs.

LEGISLATIVE COUNSEL'S DIGEST

SB 861, as amended, Speier. ~~Dangerous and vicious dogs. Animals:~~ *dogs: spay, neuter, and breeding programs.*

Existing law ~~regulates potentially dangerous and vicious dogs, as specified, and provides that nothing in these provisions shall be construed to prevent a city or county from adopting or enforcing its own program for the control of potentially dangerous or vicious dogs that may incorporate all, part, or none of these provisions, or that may punish a violation of these provisions as a misdemeanor or may impose a more restrictive program to control potentially dangerous or vicious dogs, provided that no program shall regulate these dogs in a manner that is specific as to breed sets forth provisions relating to veterinary public health and safety, as specified. Existing law also provides for or regulates spay, neuter, and breeding programs for animals, as specified.~~

This bill would ~~no longer prohibit~~ *authorize* local governments ~~from adopting a program regulating dangerous and vicious dogs that is specific as to breed~~ *to enact dog breed-specific ordinances* pertaining *only* to mandatory spay or neuter programs and breeding requirements, *provided that no specific dog breed, or mixed dog breed, shall be declared potentially dangerous or vicious under those ordinances.* This bill would require those jurisdictions that do implement such programs to provide quarterly statistical reports relating to dog bites to the State *Public Health* Veterinarian, as specified. *The bill would make conforming changes to related provisions.*

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 31683 of the Food and Agricultural
2 Code is amended to read:

3 31683. Nothing in this chapter shall be construed to prevent a
4 city or county from adopting or enforcing its own program for
5 the control of potentially dangerous or vicious dogs that may
6 incorporate all, part, or none of this chapter, or that may punish a
7 violation of this chapter as a misdemeanor or may impose a more
8 restrictive program to control potentially dangerous or vicious
9 dogs. Except as provided in Section ~~122330~~ 122331 of the Health
10 and Safety Code, no program *regulating any dog* shall be specific
11 as to breed.

12 SEC. 2. Chapter 7 (commencing with Section 122330) is
13 added to Part 6 of Division 105 of the Health and Safety Code, to
14 read:

15
16 CHAPTER 7. SPAY/NEUTER AND BREEDING PROGRAMS FOR
17 ANIMALS
18

19 122330. *The Legislature finds and declares all of the*
20 *following:*

21 (a) *Uncontrolled and irresponsible breeding of animals*
22 *contributes to pet overpopulation, inhumane treatment of*
23 *animals, mass euthanasia at local shelters, and escalating costs*
24 *for animal care and control; this irresponsible breeding also*

1 *contributes to the production of defective animals that present a*
2 *public safety risk.*

3 *(b) Though no specific breed of dog is inherently dangerous or*
4 *vicious, the growing pet overpopulation and lack of regulation of*
5 *animal breeding practices necessitates a repeal of the ban on*
6 *breed-specific solutions and a more immediate alternative to*
7 *existing laws.*

8 *(c) It is therefore the intent of the Legislature in enacting this*
9 *chapter to permit cities and counties to take appropriate action*
10 *aimed at eliminating uncontrolled and irresponsible breeding of*
11 *animals*

12 122331. (a) Cities and counties may enact dog breed-specific
13 ordinances pertaining only to mandatory spay or neuter programs
14 and breeding requirements, *provided that no specific dog breed,*
15 *or mixed dog breed, shall be declared potentially dangerous or*
16 *vicious under those ordinances.*

17 (b) Jurisdictions that implement programs described in
18 subdivision (a) shall measure the effect of those programs by
19 compiling statistical information on dog bites. The information
20 shall, at a minimum, identify dog bites by severity, the breed of
21 the dog involved, whether the dog was altered, and whether the
22 breed of dog was subject to a program established pursuant to
23 subdivision (a). These statistics shall be submitted quarterly to
24 the State *Public Health* Veterinarian.